

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CASE NO. 7:20-CV-281
	§	
0.755 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN STARR COUNTY,	§	
STATE OF TEXAS; AND RAFAEL	§	
CASTRO JIMENEZ, <i>ET AL.</i> ,	§	
	§	
<i>Defendants.</i>	§	

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ Alexander N. DerGarabedian*
ALEXANDER N. DERGARABEDIAN
Assistant United States Attorney
Southern District of Texas No. 3381593
New York Bar No. 5103577
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: 956-992-9380
Facsimile: (956) 618-8016
E-mail: alexander.dergarabedian@usdoj.gov
Attorney in Charge for Plaintiff

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-5075

Owner: Rafael Castro Jimenez, *et al.*

Acres: 0.755

Being a 0.755 of one acre (32,908 square feet) parcel of land, more or less, being out of the Juana Josefa Gutiérrez Survey, Abstract No. 84, Porción 72, ancient jurisdiction of Camargo, Mexico, now Starr County, Texas, being out of Share 17-A, and being out of a called 11.35 acre tract conveyed to Rafael Castro Jimenez by General Warranty Deed recorded in Volume 1431, Page 283, Official Records of Starr County, Texas, said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a found 1/2" iron rod a westerly exterior corner of the 11.35 acre tract and an easterly interior corner of a called 13.727 acre tract conveyed to Rogelio Perez by Deed of Gift recorded in Volume 1142, Page 629, Official Records of Starr County, Texas, being the same tract of land conveyed to Davy Trevino by General Warranty Gift Deed recorded in Volume 1169, Page 322, Official Records of Starr County, Texas, being the same tract of land conveyed to Ernesto Barron, et al by Deed of Gift recorded in Volume 1182, Page 162, Official Records of Starr County, Texas, being the same tract of land conveyed to Librado Perez by Deed of Gift recorded in Volume 1182, Page 164, Official Records of Starr County, Texas, being the same tract of land conveyed to Merlinda P. Hinojosa by Deed of Gift recorded in Volume 1182, Page 166, Official Records of Starr County, Texas, and being the same tract of land conveyed to Ismael Casas, Jr. by Correction Deed of Gift recorded in Volume 1231, Page 333, Official Records of Starr County, Texas, said point having the coordinates of N=16663610.426, E=851882.547, said point bears S 69°27'32" E, a distance of 5838.97' from United States Army Corps of Engineers Control Point No. 210;

Thence: S 08°58'23" W (N 08°58'39" E, Record), with the west line of the 11.35 acre tract and the east line of the 13.727 acre tract, for a distance of 26.96' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-5073-1=5075-1" for the **Point of Beginning** and northwest corner of Tract RGV-RGC-5075, said point being in the west line of the 11.35 acre tract and the east line of the 13.727 acre tract, said point having the coordinates of N=16663583.793, E=851878.341;

Thence: S 70°08'04" E, departing the east line of the 13.727 acre tract, over and across the 11.35 acre tract, for a distance of 164.72' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-5074-2=5075-2" for the northeast corner of Tract RGV-RGC-5075, said point being in the east line of the 11.35 acre tract and the west line of a called 11.381 acre tract conveyed to Pablo Moreno, Jr. by Cash Deed recorded in Volume 752, Page 633, Official Records of Starr County, Texas (Tract 2);

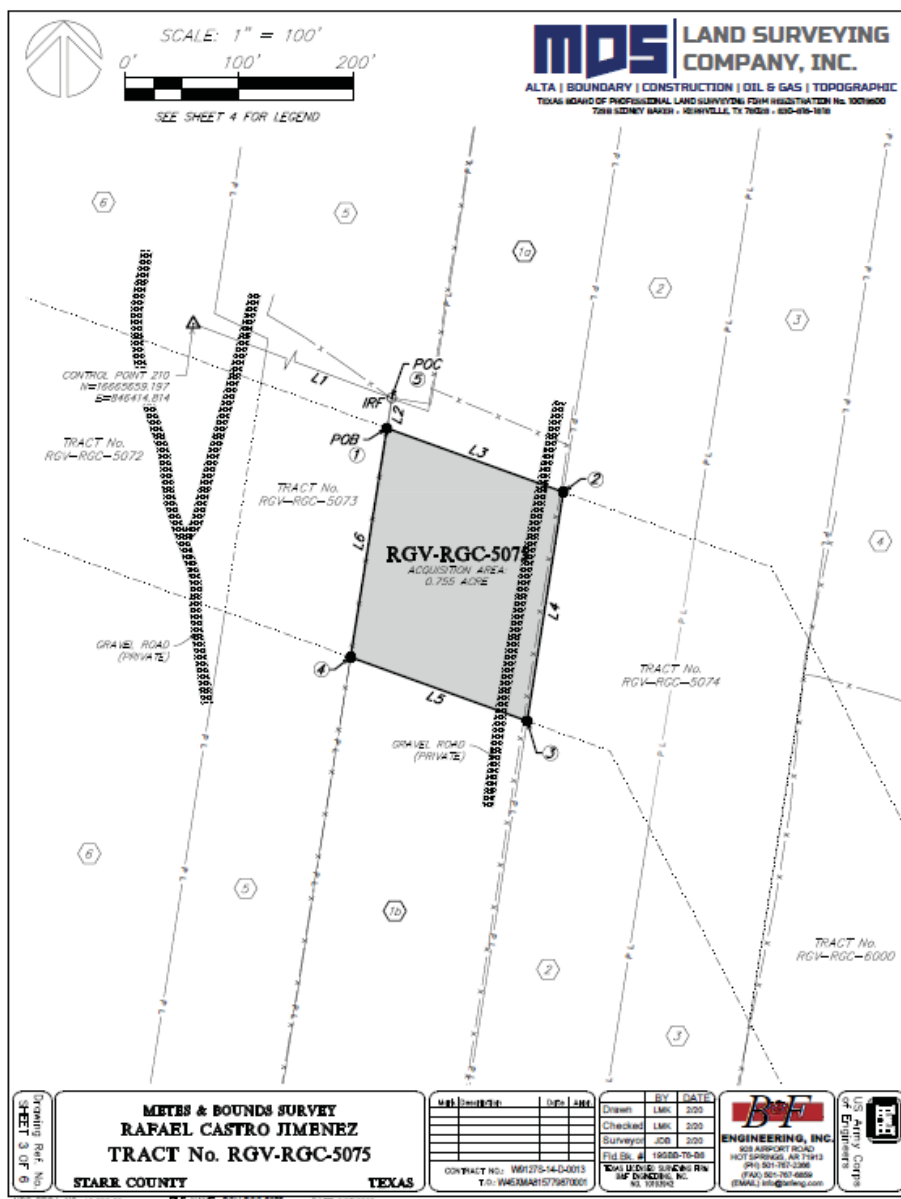
SCHEDULE C (Cont.)

Thence: S 08°58'10" W (S 08°58'39" W, Record), with the east line of the 11.35 acre tract and the west line of the 11.381 acre tract, for a distance of 203.42' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-5074-1=5075-3" for the southeast corner of Tract RGV-RGC-5075, said point being in the east line of the 11.35 acre tract and the west line of the 11.381 acre tract;

Thence: N 70°09'05" W, departing the west line of the 11.381 acre tract, over and across the 11.35 acre tract, for a distance of 164.72' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-5073-2=5075-4" for the southwest corner of Tract RGV-RGC-5075, said point being in the west line of the 11.35 acre tract and the east line of the 13.727 acre tract;

Thence: N 08°58'23" E (N 08°58'39" E, Record), with the west line of the 11.35 acre tract and the east line of the 13.727 acre tract, for a distance of 203.46' to the **Point of Beginning**.

SCHEDULE D

SCHEDULE D**MAP or PLAT****LAND TO BE CONDEMNED**

SCHEDULE D (Cont.)

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	S 69°27'32" E	58.38, 97"	N/A	N/A
L2	S 08°58'23" W	26.96"	N 08°58'39" E	N/A
L3	S 20°08'04" E	164.72"	N/A	N/A
L4	S 08°58'10" W	20.142"	S 08°58'39" W	N/A
L5	N 20°09'05" W	164.72"	N/A	N/A
L6	N 08°58'23" E	20.146"	N 08°58'39" E	N/A

COORDINATE TABLE

MONUMENT No.	NORTHING	EASTING	MONUMENT NAME
1	1666.3583.793	851878.341	RGV-RGC-5073-1=5075-1
2	1666.3527.819	852033.258	RGV-RGC-5074-2=5075-2
3	1666.3326.891	852001.545	RGV-RGC-5074-1=5075-3
4	1666.3382.821	851846.607	RGV-RGC-5073-2=5075-4
5	1666.3610.426	851882.547	POC RGV-RGC-5073 5075

LEGEND

●	5/8" REBAR W/ "MDS" CAP SET	—————	ACQUISITION BOUNDARY
○	FOUND MONUMENT	-----	ADJOINING ACQUISITION BOUNDARY
△	CONTROL POINT	— P L —	PROPERTY LINE
CS	COTTON PICKER SPINDLE	— x — x — x —	WIRE FENCE
DRSC	DEED RECORDS OF STARR COUNTY	⊙	SEE SHEET 5
IPF	1" IRON PIPE FOUND		
IRF	1/2" IRON ROD FOUND		
ORSC	OFFICIAL RECORDS OF STARR COUNTY		
PG	PAGE		
POB	POINT OF BEGINNING		
POC	POINT OF COMMENCING		
VOL	VOLUME		

NOTES:

- THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4305), US SURVEY FEET, USING THE CORRS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TARRANT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
- A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
- THE SQUARE FOOTAGE TOTAL RECD HEREON IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
- THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
- FIELD SURVEY COMPLETED 2/26/2020.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.

**MDS LAND SURVEYING
COMPANY, INC.**

ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS REGISTRATION No. 127860
7086 SHERIDAN BLVD. - KENNESAW, TX 79028 - 817-476-9178

Drawing Ref. No.
SHEET 6 OF 6

METES & BOUNDS SURVEY
RAFAEL CASTRO JIMENEZ
TRACT No. RGV-RGC-5075
STARR COUNTY TEXAS

BY	DATE
Drawn	LMK 200
Checked	LMK 200
Surveyor	JOB 200
Field	19000-76-88
Field	19000-76-88

BY	DATE
Drawn	LMK 200
Checked	LMK 200
Surveyor	JOB 200
Field	19000-76-88
Field	19000-76-88

BY	DATE
Drawn	LMK 200
Checked	LMK 200
Surveyor	JOB 200
Field	19000-76-88
Field	19000-76-88

BY	DATE
Drawn	LMK 200
Checked	LMK 200
Surveyor	JOB 200
Field	19000-76-88
Field	19000-76-88


MDS PROJ. NO. 16-200-00

FILE NAME: RGV-RGC-5075



DATE: 02/27/2020

SCHEDULE D (Cont.)

<p>10 RAFAEL CASTRO JIMENEZ CALLED 11.35 ACRES GENERAL WARRANTY DEED VOL. 1431, PG. 283 ORSC REMAINING AREA: 3.087 ACRES</p>	<p>10 RAFAEL CASTRO JIMENEZ CALLED 11.35 ACRES GENERAL WARRANTY DEED VOL. 1431, PG. 283 ORSC REMAINING AREA: 7.489 ACRES</p>	<p>2 PAOLO MORENO, JR. CALLED 11.381 ACRES CASH DEED VOL. 752, PG. 633 ORSC (TRACT 2)</p>
<p>3 PAOLO MORENO, JR. CALLED 11.381 ACRES CASH DEED VOL. 752, PG. 633 ORSC (TRACT 2)</p>	<p>4 ALMA GLORIA ROSA GARCIA, ET AL REMAINDER OF CALLED 22.744 ACRES WARRANTY DEED VOL. 579, PG. 373 ORSC (SHARE 18)</p>	<p>5 RODELIO PEREZ CALLED 11.127 ACRES DEED OF GIFT VOL. 1142, PG. 629 ORSC DAVY TREVIÑO GENERAL WARRANTY GIFT DEED VOL. 1169, PG. 322 ORSC ERNESTO BARRON, ET AL DEED OF GIFT VOL. 1162, PG. 162 ORSC LIBRADO PEREZ DEED OF GIFT VOL. 1162, PG. 164 ORSC MERLINDA P. HINGUOSA DEED OF GIFT VOL. 1162, PG. 166 ORSC ISMAEL CASAS, JR. CONNECTION DEED OF GIFT VOL. 1231, PG. 333 ORSC</p>
<p>6 NO DEED OF RECORD FOUND</p>	<p>7 MARIA Y HERNANDEZ & ALFREDO VILLARREAL CALLED 20.46 ACRES WARRANTY DEED W/ HENRY'S LBN VOL. 1364, PG. 84 ORSC</p>	
<p>9 ROBERT MIGUEL GUERRA, ET AL CALLED 24.19 ACRES VOL. 1136, PG. 41 ORSC (TRACT 12) ROBERT MIGUEL GUERRA, ET AL CALLED 24.19 ACRES VOL. 1468, PG. 313 ORSC (TRACT 12)</p>	<p>10 ROBERT MIGUEL GUERRA, ET AL CALLED 24.63 ACRES VOL. 1136, PG. 41 ORSC (TRACT 7) ROBERT MIGUEL GUERRA, ET AL CALLED 24.63 ACRES VOL. 1468, PG. 313 ORSC (TRACT 7)</p>	<p>8 RODOLFO M. GUERRA, JR., ET AL CALLED 9 ACRES ABSTRACT OF JUDGEMENT VOL. 1415, PG. 587 ORSC (THIRD TRACT SHARE 38-4) ROBERTO MIGUEL GUERRA, ET AL VOL. 1478, PG. 308 ORSC (CAUSE No. 2013-PC-2240)</p>
<p>12 BLANCA E. ROSA LEAL, ET WIF CALLED 0.500 ACRES WARRANTY DEED VOL. 1415, PG. 609 ORSC</p>		<p>11 STARR PRODUCE, INC. (UNDIVIDED INTEREST) CALLED 14.64 ACRES WARRANTY DEED VOL. 539, PG. 524 ORSC (SHARE 30-8) AL E. MARGO, ET AL (UNDIVIDED INTEREST) SPECIAL WARRANTY DEED VOL. 1239, PG. 503 ORSC VOL. 1239, PG. 509 ORSC</p>



ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FORM REGISTRATION NO. 1259600
 TOWN SECRETARY ADDRESS - KENNESAW, TX 75828 - 832-478-9138

Drawing Sheet No. SHEETS OF 8	METES & BOUNDS SURVEY		RAFAEL CASTRO JIMENEZ		TRACT No. RGV-RGC-5075		STARR COUNTY TEXAS		<table border="1" style="font-size: 8px;"> <tr> <th>DATE</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td> </td> <td>LMK</td> <td>2/20</td> </tr> <tr> <td> </td> <td>LMK</td> <td>2/20</td> </tr> <tr> <td> </td> <td>JDB</td> <td>2/20</td> </tr> <tr> <td> </td> <td>JDB</td> <td>2/20</td> </tr> </table>		DATE	BY	DATE		LMK	2/20		LMK	2/20		JDB	2/20		JDB	2/20
	DATE	BY	DATE																						
		LMK	2/20																						
		LMK	2/20																						
		JDB	2/20																						
	JDB	2/20																							
CONTRACT NO.: W61275-14-0-0013		T.O.: W66386A1575870001																							
MDS PROJ. NO. 15-200-00		FILE NAME: RGV-RGC-5075		DATE: 2/27/2020																					

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-5075

Owner: Rafael Castro Jimenez, *et al.*

Acres: 0.755

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the real property conveyed by General Warranty Deed, Volume 1431 Page 283, Document No. 2014-320664 in the Official Records of Starr County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

SCHEDULE E (Cont.)



Border Infrastructure
Project

RGV-08

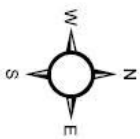
RG-C-5000-6026



Starr County,
Texas

Legend

- Tracts
- ParentTracts



June 8, 2020

SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is TEN THOUSAND, NINE HUNDRED AND NINETY-TWO DOLLARS AND NO/100 (\$10,992.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Rafael Castro Jimenez Rio Grande City, Texas 78582	RGV-RGC-5075 General Warranty Deed, Document #2014-320664; Recorded October 22, 2014, Deed Records of Starr County, Texas
Unknown Heirs of Dario Gonzalez	Partition Decree, Document #1935-4879; Recorded December 18, 1935, Deed Records of Starr County, Texas
Ameida Salinas 100 N. FM 3167 Suite 201 Rio Grande City, TX 78582	Starr County Tax Assessor Office

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Alexander N. DerGarabedian, United States Attorney's Office, SDTX,
1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501 (956)992-9380

DEFENDANTS

0.755 Acres of Land, More or Less, Situate in Starr County, State of Texas; and Rafael Castro Jimenez, et al.

County of Residence of First Listed Defendant Starr
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

09/17/2020

SIGNATURE OF ATTORNEY OF RECORD

s/ Alexander N. DerGarabedian

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.